



08-02-04

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/662,946	09/15/2003	Robert J. McMillen	41575-220

29493  
HUSCH & EPPENBERGER, LLC  
190 CARONDELET PLAZA  
SUITE 600  
ST. LOUIS, MO 63105-3441

RECEIVED

JUN 28 2004

Husch-Eppenberger LLC

CONFIRMATION NO. 9663

FORMALITIES LETTER



\*OC000000013060457\*

Date Mailed: 06/24/2004

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 06/10/2004 to the Notice to File Missing Parts (Notice) mailed 06/02/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The line spacing on the specification, claims, or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).

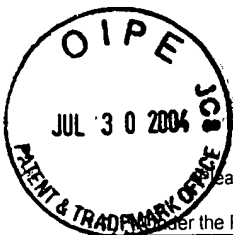
Replies should be mailed to: Mail Stop Missing Parts  
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*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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Approved for use through 10/31/2002. OMB 0651-0031  
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PTO/SB/21 (08-00)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/662,946
	Filing Date	09/15/2003
	First Named Inventor	Robert McMillen
	Group Art Unit	3636
	Examiner Name	TBA
Total Number of Pages in This Submission	Attorney Docket No.	41575-220

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Charge Deposit Account -08-3460 <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> declarations(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Reply under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b))	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Request To Rescind Previous Nonpublication Request <input type="checkbox"/> Response to Notice of Allowability <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: <input checked="" type="checkbox"/> Commissioner is hereby authorized to charge fees in this application and any fees which may be required, or any overpayment, to Deposit Account 08-3460. I have enclosed a duplicate copy of this sheet <input type="checkbox"/> Amount: \$		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	Dennis J.M. Donahue, III
Signature	
Date	July 30, 2004

**CERTIFICATE OF EXPRESS MAILING**

Express Mail No. EV331013798 US

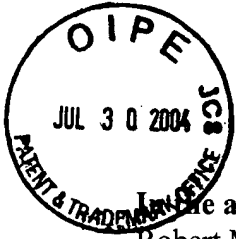
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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 7/30/04

Typed or printed name	Eileen Curran		
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F:\ST\_LOUIS\DONAHUED\RESP\1820301.01



**In the United States Patent and Trademark Office**

**In the application of:**

Robert McMillen

**Application No.:** 10/662,946

**Filing Date:** 09/15/2003

**Entitled:** Apparatus and Method for  
Lumbar Support With Variable Apex

) **Examiner:** TBA

)

)

) **Group Art Unit:** 3636

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) **Attorney Docket No.:** 41575-220

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**RESPONSE TO NOTICE OF INCOMPLETE REPLY  
NONPROVISIONAL APPLICATION**

On June 24, 2004, a Notice Of Incomplete Response of Nonprovisional Application ("Notice") was mailed to Applicant, indicating the line spacing on the specification, claims, or abstract is not 1 ½ or double spaced 37 CFR 1.52(b). A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3) and 1.125 is attached.

I do not believe there is an additional fee required at this time since the late fee of \$130.00 was paid on June 10, 2004. Please charge any additional charges or refunds for overpayment, to deposit account number 08-3460. A duplicate copy of this sheet is enclosed.

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